

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GARDNER DENVER, INC.,

Plaintiff,

v.

ARCH INSURANCE COMPANY, et al.,

Defendants.

CIVIL ACTION
NO. 16-0159

ORDER

AND NOW, this 16th day of December 2016, upon consideration of Defendants' Motions to Dismiss (Doc. Nos. 16, 18), Plaintiff's Response in Opposition (Doc. No. 22), and Defendants' Reply to Plaintiff's Response (Doc. No. 23) and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. Count I is dismissed with prejudice by stipulation of the parties. (Doc. No. 29.)
2. Defendants' Motion to Dismiss Counts II and IV is **DENIED**.
3. The Court reserves a decision on Defendants' Motion to Dismiss Count III until after trial.
4. Defendants are **ORDERED** to file an Answer to Counts II through IV of the First Amended Complaint within fourteen (14) days from the entry of this Order.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.